IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 310 (SS) of 2007

Anand Singh Bisht,
S/o late Sri Madhav Singh Bisht,
R/o Village – Chanola,
Tehsil – Ranikhet (new Chaukatia)
District – Almora, presently,
Serving as Office Peon CBCID,
Sector Kathgodam, Haldwani,
Nainital. **.....Petitioner.**

Versus

1. Union of India through its Chairman, Central State Advisory Committee, Gate No. 31, Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi.
2. Union of India through Secretary, Ministry of Personnel, Public Grievances & Pensions, New Delhi.
3. State of Uttarakhand through Secretary, Home, Uttarakhand Shashan, Dehradun.
4. Director General of Police (CBCID) Uttarakhand Shashan, Dehradun.
5. State of U.P. through Secretary Home, U.P., Lucknow.
6. Director General of Police (CBID) U.P., Lucknow

.....Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri K. K. Tiwari, learned counsel for the petitioner, Smt. Farida Siddiqui, learned standing counsel for Union of India on behalf of respondents no. 1 and 2 Sri H.M. Raturi learned standing counsel for State of Uttarakhand on behalf of respondents no. 3 and 4 and Smt. Beena Pandey, learned standing counsel for State of U.P. on behalf of respondents nos. 5 and 6.

By means of this writ petition, the petitioners have prayed for the following reliefs:

a. *Issue a writ, rule, order or direction in the nature of Certiorari for quashing the impugned order dated 18.08.2004 Annexure no. 1 to this writ petition.*
b. *Issue a writ order or direction in the nature of Mandamus commanding and directing the respondents not to relieve the petitioner for State of U.P.*
c. *Issue a writ order or direction in the nature of Mandamus commanding the respondents to finally allocate the petitioner for Uttarakhand Cadre with all consequential benefits.*
d. *Issue any other order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*
e. *Award cost of the petitioner in favour of the petitioner.*

Learned counsel for the parties are agreed to decide the writ petition at its admission stage.

The stand of the petitioner is that petitioner was appointed as Office Peon with the respondent department on 30.11.1993. Petitioner is permanent resident of State of Uttarakhand and he had opted for State of Uttarakhand in view of the Government Order dated 27.02.2001.

On 23.06.2001 Superintendent of Police, Special Investigation Branch, (Cooperative) U.P., Lucknow passed an order that petitioner has been finally allocate to State of Uttarakhand, in view of the Government order dated 27.02.2001, in anticipation of approval of Union of India, as such, petitioner was directed by the aforesaid order to join the

State of Uttarakhand. In pursuance to the aforesaid order petitioner joined his services in the State of Uttarakhand.

Final allocation list has been published by the Union of India which a Annexure No. 1 to the writ petition, however, the name of the petitioner did not find place in that list for State of Uttarakhand.

Aggrieved with the action of the respondents, petitioner made representation before Additional Director General, Police Headquarter on 26.03.2007 with a request that he is permanent resident of State of Uttarakhand and had opted for State of Uttarakhand and further vide order dated 27.02.2001 he was finally allocated to State of Uttarakhand subject to approval of Union of India, however, in the final allocation list the name of the petitioner does not find place for State of Uttarakhand, consequently, he has requested for induction of his name in the final allocation list for State of Uttarakhand.

Petitioner has made representation before Additional Director General of Police, Dehradun, however, Additional Director General of Police, Dehradun is not party to the writ petition.

In the circumstances stated above, I deem it fit and proper to direct the petitioner to made fresh representation before respondent no. 4 within a period of two weeks from today and respondent no. 4 is directed to take necessary action on the representation of the petitioner, if he has opted for State of Uttarakhand and he is permanent resident of State of Uttarakhand and forward the same with his recommendation to respondents no. 2 at the earliest. It is expected that respondent no. 2 shall take decision on the representation of the petitioner

duly forwarded by respondent no. 4 with his remarks within a period of three weeks from the date of receipt of representation.

With this direction, the writ petition as well as stay application no. nil of 2007 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

April 03, 2007
SKsharma